

2017-2018 ADDENDUM III

MICHIGAN'S LOW INCOME HOUSING TAX CREDIT PROGRAM

PERMANENT SUPPORTIVE HOUSING CATEGORY

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ADDENDUM III THRESHOLD REQUIREMENTS

INTRODUCTION AND ADDENDUM III SECTION NOTES:

Applicants are strongly encouraged to have a Michigan State Housing Development Authority (“MSHDA”) staff member visit the project site prior to application submission. Rental Assistance and Homeless Solutions staff can be reached at 517-373-9344. Applicants are also encouraged to submit an initial concept letter for review and discussion prior to submitting an application. This letter should include, at a minimum, the development team, service providers, location of the project, number and breakdown of units, populations served, services provided, and service funding sources. This provides an opportunity for the Applicant and his/her team to receive technical assistance in conceptualizing the project and assuring that key components are included.

MSHDA will appoint an Addendum III review committee to review all permanent supportive housing development submissions. This committee will consist of MSHDA Low Income Housing Tax Credits (“LIHTC”) and Homeless Assistance staff, along with representatives from Michigan Department of Health and Human Services and Michigan Department of Military and Veterans Affairs. All members of the review committee will be independent of the projects they review. MSHDA staff on the committee will review and award the scores for the Permanent Supportive Housing Development section of the LIHTC scoring criteria.

Applicants should note that the development team must meet with the local Continuum of Care (CoC) housing planning body at least 120 days prior to the funding round deadline to begin preliminary discussions in order to ensure the stability of tenants, to ensure that the project is integrated in the community, and to ensure that there are strong social support networks available to meet the needs of the supportive housing tenants. Please see item M. under Permanent Supportive Housing Threshold Requirements.

The Addendum III must be complete and submitted as part of the complete LIHTC Application on the LIHTC Funding Round Due Date as shown in the 2017-2018 Qualified Allocation Plan (“QAP”). The Addendum III review committee will review the submission and will meet with the development and service team in conjunction with the funding round review after the funding round due date. The Addendum III review team will not meet with development and service teams of projects that submitted an Addendum III that was incomplete or which did not meet one of the Addendum III threshold requirements.

OTHER MSHDA PROGRAMS:

- 1) HOME/Direct Lending: Proposals using MSHDA HOME or other MSHDA funding are required to follow MSHDA’s Direct Lending program underwriting parameters. Projects seeking MSHDA funding will be required to submit a Preliminary Assessment application to MSHDA’s Direct Lending department at least 45 days prior to the LIHTC funding round deadline.
- 2) PBV/811: Proposals receiving a LIHTC Reservation may apply for MSHDA Project Based Vouchers (PBV) or Section 811 Assistance for Supportive Housing Units. The proposal will be required to meet the PBV and/or Section 811 processing requirements. Applications for PBV assistance must contain a

minimum of 5 units per development and a maximum of 100% of the development's (PSH) units. Applications for Section 811 assistance must contain a minimum of 5 units and a maximum of 25% of the development's units. Partial unit calculations will be rounded down for the Section 811 program (for example, a property with 30 total units may have no more than 7 units with Section 811 assistance).

PERMANENT SUPPORTIVE HOUSING THRESHOLD REQUIREMENTS:

The following Threshold Requirements will apply to all projects submitted under the Permanent Supportive Housing Category:

A. QAP THRESHOLDS AND UNDERWRITING REQUIREMENTS:

All minimum threshold requirements outlined in the Qualified Allocation Plan and the Addendum I must be followed. Project operating costs cannot significantly differ from MSHDA standards unless a waiver is granted by MSHDA. Supportive Services cannot be funded through the property's operating budget.

B. COMPLETE ADDENDUM III SUBMISSION:

The Addendum III submission must be complete. This includes, but is not limited to, a fully completed Addendum III Excel application prepared in accordance with application instructions and submission of all applicable exhibits. MSHDA will reject applications with multiple material errors in documentation, incomplete information, and/or general inconsistencies found within the Addendum III submission. Decisions for rejection under this threshold requirement are intentionally made on a subjective basis and are entirely under MSHDA's discretion.

C. 25% THRESHOLD:

Projects must have a minimum of 25% of the total units in the development targeted to people who meet the definitions outlined in Attachment A.

Note: If 25% of the units is not a whole number, the development must round up to the next whole unit to meet this criteria. For example, if there are 50 units, there must be at least 13 permanent supportive housing units in the development ($25\% \times 50 = 12.5$, rounded up to 13). Manager units do not count towards either the total number of units or the supportive housing units in the development. If there not have enough units set aside for permanent supportive housing tenants, the project will not meet threshold and will not be eligible for credit.

D. PROJECT NARRATIVE:

A detailed and complete narrative description of the project should be provided; this includes, at a minimum, the development team, service providers, number and breakdown of units, populations served, services provided, type of unit, income targeting, and proposed rent schedule.

E. SITE SELECTION:

The project location must meet MSHDA's Supportive Housing Site Selection Criteria. See Attachment B.

In addition to the MSHDA Supportive Housing Site Selection Guidelines and definitions, any project that receives a LIHTC award and which will be applying for Project Based Vouchers (PBVs) must ensure the site meets the federal program requirements of HUD regulations (Title 24 Housing and Urban Development 983 Project Based Voucher (PBV) Program).

F. TENANT SELECTION CRITERIA:

Include the property's tenant selection plan and describe how permanent supportive housing tenants will be served. This description should include any screening processes that will be utilized, along with criminal and credit screening processes and details of any appeal process and eviction diversion plans for the permanent supportive housing tenants.

G. INCOME ELIGIBILITY:

Tenant incomes must be at or below 30% AMI to be eligible for targeted Supportive Housing units.

H. ELDERLY POPULATIONS:

Elderly-only populations are excluded from the Permanent Supportive Housing Category. The entire project must be open to all ages.

I. HOUSING FIRST MODEL:

Developments are required to demonstrate the use of assessment tools that identify and prioritize the referrals to serve the most vulnerable. Include a description of referral process and centralized intake assessment that prioritizes the referrals for the waiting list that will be utilized at this development. The model must support moving persons quickly into housing without preconditions of treatment acceptance or compliance. Sobriety, medication compliance, and lesser criminal history are examples of what cannot be an entrance requirement.

J. SERVICE COORDINATION PLAN AND COORDINATION:

On-site service coordination must be available to all supportive housing tenants. There should be one specific and comprehensive service plan submitted, regardless of the nature of the tenants targeted for the supportive housing units.

The service coordination plan must describe how the project will meet the supportive service needs of the targeted tenants. Include how many hours of on-site services will be provided and include documentation in the Addendum III submission of a funding commitment from the agency(s) that will provide staff for these services. The funding commitment must be detailed in a letter signed by the executive director of the agency providing the services. All letters of support must be dated within six (6) months of the funding round deadline. Additionally, all funding agencies must provide a copy of their most recent annual audited financial statements to demonstrate a history of reliable service funding

sources through adequate amounts under supportive services line items and supportive services staff. The services cannot be funded through the operations of the development. The one-site services may be provided through partnership with the local service organizations. The following schedule serves as a minimum standard number of hours of on-site service that must be provided. Additional on-site services may be needed depending on the population served by the supportive housing project.

# of PSH units in development	Minimum # of hours required
25 or fewer PSH units	8 hours per week
26 – 50 PSH units	16 hours per week
51 – 75 PSH units	24 hours per week
75+ PSH units	32 hours plus 8 hours for every 25 additional units

Note: PSH Developments are restricted to 75 units or less. However, if a waiver is granted of this requirement and the development has more than 75 units, the minimum required service hours calculation would be: $32 + (8 * ([\# \text{ of PSH units} - 75] / 25))$. If the result is not a round number, you must round up.

K. SERVICE ORGANIZATION COLLABORATION:

The Housing Assistance and Resource Agency (HARA) must be included as a referral source for Permanent Supportive Housing Units.

L. SCREENING TOOLS:

The HARA must use the Statewide approved assessment tool when assessing applicants for Permanent Supportive Housing.

M. FUNDING:

A completed Addendum III Supportive Services Budget must be completed for the project that clearly breaks out all supportive services funding and projected expenses for the 15 year compliance period.

The Addendum III submission must include supporting documentation for all the funding sources included in the Supportive Services Chart. The letters of support must be from the Executive Director of all funding agencies and outline the amount of funding provided, the number of years, and any other relevant information. Projects will be required to show documented evidence of service funding to support the projected expenses for a minimum of the initial 1-year with renewals available and a detailed description of future funding sources. Additionally, all funding agencies must provide a copy of their most recent annual audited financial statements to demonstrate a history of reliable service funding sources through adequate amounts under supportive services line items and supportive services staff.

All letters of support must be dated within six (6) months of the funding round deadline.

N. CONTINUUM OF CARE:

The development team must meet with the local Continuum of Care (CoC) housing planning body at least 120 days prior to the funding round deadline. The intent of this meeting should be to just begin discussions about preliminary project concepts in order to serve as notice to the CoC that a project in the area is being pursued and to allow the opportunity for the CoC to provide input. Continuing discussions with the CoC should ensure the stability of tenants, ensure that the project is integrated in the community, and ensure that there are strong social support networks available to meet the needs of the supportive housing tenants. The CoC form, a letter of support from the CoC, and meeting minutes from the planning meeting must be included with the application submission. The CoC letter of support should include the total number of units, the number of PSH units, the targeted population, a description of the housing units, bedroom mix of the PSH units, location of the development, the proposed services and amenities, and identification of the development team.

The CoC letter of support must be dated within one year from the funding round deadline. If necessary, a waiver of the timing requirement can be requested for the October 1, 2016 funding round.

O. MEMORANDUM OF UNDERSTANDING:

The development team must submit written documentation between the developer, management company, and service provider(s) that outlines mutual roles and responsibilities in the development. The Memorandum of Understanding ("MOU") should incorporate the service coordination plan agreed to by the parties, and provide:

- a) Letter of commitment by the service provider, including signature of the Executive Director;
- b) A letter of support from the primary funder of the case management and/or service coordination agency;
- c) Demonstration of an ongoing commitment by the developer and/or landlord to assure sustained availability of supportive services; and
- d) Inclusion of the Housing Assessment Resource Agency (HARA) within the MOU. The HARA's role may include referrals or services. They do not have to be the lead agency; however, their role should be defined within the MOU. If there is a different lead agency, the MOU must define their role in the development and be signed by their executive director.

The MOU will include:

- a) A commitment from the local lead agency to provide, coordinate, and/or act as a referral agent to assure that supportive services will be available to the targeted tenants;
- b) A description of the referral and screening process that will be used to refer tenants to the project, which follows the acceptable guidelines and uses assessment tools such as the SPDAT as required by MSHDA and other State or Federal service funding agencies, and a willingness of all parties to

- negotiate reasonable accommodations to facilitate the admittance of persons with disabilities into the development;
- c) A communication plan between the management company and the lead agency that will accommodate staff turnover and assuring continuing linkages between the development and lead agency for the duration of the compliance period;
 - d) Acknowledgment of the property's rent structure and a description of how supportive housing tenants may access rental assistance, should they require it, to afford the apartment rents;
 - e) Certification that participation in supportive services will not be a condition of tenancy unless otherwise required by a Federal subsidy;
 - f) Agreement to affirmatively market to persons with disabilities;
 - g) Agreement to include a section on reasonable accommodation in the property management's application for tenancy;
 - h) Agreement to accept Section 8 vouchers or other rental assistance for eligible tenants and not require total income for persons with rental assistance beyond that which is reasonably available to supportive housing tenants; and
 - i) A description of how the project will make the targeted units affordable to supportive housing tenants with very low incomes.

The MOU must be dated within six (6) months of the funding round date.

P. UTILITIES:

Developers must include all utility costs for the permanent supportive housing units in the project expenses.

Q. ACCESSIBLE COMMUNITY SPACE:

To meet minimum PSH requirements, projects are required to provide accessible community or supportive service space to projects with 11 or more PSH units. Developments must have a minimum of 15 square feet of accessible community space per residential unit AND at least one separate private meeting space or office of at least 100 square feet. The accessible community space needs to meet the requirements in Section C.1 of the 2017-2018 Scoring Criteria. Bathrooms, closets, hallways, laundry facilities, and other similar space will not be counted in the square footage. Blueprints or other architectural drawings should be included in the Addendum III application and should clearly show the dimensions of the accessible community space.

R. PROJECT SIZE:

Projects that exceed 75 units of Permanent Supportive Housing require a waiver granted by MSHDA.

Please review the following definitions before completing a service plan for Supportive Housing Tenants. This is relevant when applying for any MSHDA program, including HOME or Low Income Housing Tax Credits. ***To be eligible for funding, the entire housing development must be open and available to adult persons of all ages.***

A) Eligible Supportive Housing Tenants

Under the Low Income Housing Tax Credit program eligible supportive housing tenants must meet one of the following definitions (special need, homeless, domestic violence survivor, chronically homeless, youth aging out of foster care or homeless. The homeless and at risk of homelessness definitions are outlined below and are aligned with the HUD definitions approved by Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act of 2009. HUD published the final rule in the December 5, 2011 *Federal Register*.

Homeless Categories

- (1) **An individual or family who lacks a fixed, regular, and adequate nighttime residence,** meaning:
 - (i) An individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground;
 - (ii) An individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state, or local government programs for low-income individuals); or
 - (iii) An individual who is exiting an institution where he or she resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution;
- (2) **An individual or family who will imminently lose their primary nighttime residence** provided that:
 - (i) The primary nighttime residence will be lost within 14 days of the date of application for homeless assistance;
 - (ii) No subsequent residence has been identified; and
 - (iii) The individual or family lacks the resources or support networks, e.g., family, friends, faith-based or other social networks, needed to obtain other permanent housing;
- (3) **Unaccompanied youth under 25 years of age, or families with children and youth, who do not otherwise qualify as homeless under this definition, but who:**
 - (i) Are defined as homeless under section 387 of the Runaway and Homeless Youth Act (42 U.S.C. 5732a), section 637 of the Head Start Act (42 U.S.C. 9832), section 41403 of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2), section 330(h) of the Public Health Service Act (42 U.S.C. 254b(h)), section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012), section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)), or section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a);

- (ii) Have not had a lease, ownership interest, or occupancy agreement in permanent housing at any time during the 60 days immediately preceding the date of application for homeless assistance;
 - (iii) Have experienced persistent instability as measured by two moves or more during the 60-day period immediately preceding the date of applying for homeless assistance; and
 - (iv) Can be expected to continue in such status for an extended period of time because of chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse (including neglect), the presence of a child or youth with a disability, or two or more barriers to employment, which include the lack of a high school degree or General Education Development (GED), illiteracy, low English proficiency, a history of incarceration or detention for criminal activity, and a history of unstable employment; or
- (4) Any individual or family who:**
- (i) Is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions that relate to violence against the individual or a family member, including a child, that has either taken place within the individual's or family's primary nighttime residence or has made the individual or family afraid to return to their primary nighttime residence;
 - (ii) Has no other residence; and
 - (iii) Lacks the resources or support networks, e.g., family, friends, and faith-based or other social networks, to obtain other permanent housing.

Domestic violence (target population definition)

In addition to Category 4 of the Homeless definition, “Domestic Violence” means the occurrence of any of the following acts by a person that is not an act of self-defense:

- Causing or attempting to cause physical or mental harm to an intimate partner;
- Placing an intimate partner in fear of physical or mental harm;
- Causing or attempting to cause an intimate partner to engage in involuntary sexual activity by force, threat of force, or duress;
- Engaging in activity toward an intimate partner that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested.

Chronically Homeless

A “chronically homeless” individual is defined to mean a homeless individual with a disability who lives either in a place not meant for human habitation, a safe haven, or in an emergency shelter, or in an institutional care facility if the individual has been living in the facility for fewer than 90 days and had been living in a place not meant for human habitation, a safe haven, or in an emergency shelter immediately before entering the institutional care facility. In order to meet the “chronically homeless” definition, the individual also must have been living as described above continuously for at least 12 months, or on at least four separate occasions in the last 3 years, where the combined occasions total a length of time of at least 12 months. Each period separating the occasions must include at least 7 nights of living in a situation other than a place not meant for human habitation, in an emergency shelter, or in a safe haven.

Chronically homeless families are families with adult heads of household who meet the definition of a chronically homeless individual. If there is no adult in the family, the family would still be considered chronically homeless if a minor head of household meets all the criteria of a chronically homeless individual. A chronically homeless family includes those whose composition has fluctuated while the head of household has been homeless.

Special Need

An adult person/prospective tenant with a physical (including profound deafness and legally blind), mental or emotional impairment that is of long-term duration, and, at the same time, the tenant must have a *substantial and sustained* need for supportive services in order to successfully live independently. In order to meet the “special needs definition,” tenants must require assistance in at least two life-skill areas, such as:

- Ability to independently meet personal care needs;
- Economic self-sufficiency (capacity for sustained and successful functioning in vocational, learning or employment contexts);
- Use of language (ability to effectively understand, be understood and handle communication as needed on a daily and ongoing basis);
- Instrumental living skills (managing money, getting around in the community, grocery shopping, complying with prescription requirements, meal planning and preparation, mobility, etc.), or
- Self-direction (making decisions/choices about one’s day-to-day activities and regarding one’s future) **or**

The person is a recipient of SSI/SSDI.

B) Supportive Services Plan

For a project to be eligible for tax credit supportive housing points or HOME funds, the proposal must include a plan for the provision of a *substantial level of services targeted* to the supportive housing units. The services must include those that are essential for supportive housing tenants to *sustain* themselves in permanent housing.

The project must be an on-going active collaboration between the owner, Management Company, and identified supportive service provider(s). The formulation of this relationship, along with a commitment to sustain the agreed upon services over a period of time, must be agreed to *by the collaborators and incorporated into a written “Memorandum of Understanding.”*

The supportive services plan should outline and specify the following:

- Conditions which would qualify the proposed tenant(s) for the supportive housing units;
- Expected life-skills areas for which supportive services are likely to be required;
- The supportive services to be provided. **Participation in supportive services must be voluntary unless required by a Federal rental subsidy.**
- How service coordination will be provided.

Tenants' must have the option to receive service coordination on-site. For the purpose of meeting this requirement, *service coordination* shall be available in a form that contains the following elements:

- a) An individual assessment of service needs and life goals will be completed with the full participation of each tenant and others of their choosing.
- b) A plan will be developed in response to each tenant's assessment, which will include long and short-range goals, with specific steps to achieve them. Principles of person centered planning and self-determination will be incorporated into the planning process.
- c) Service coordination will include advocacy, brokering, linking and monitoring of support services detailed in each tenant's plan.
- d) Service coordinators will help tenants gain access to entitlements, financial assistance programs, and legal representation, in accordance with the tenant's plan.
- e) A re-assessment, and revision of each tenant's plan, will be completed on at least an annual basis. Copies of that plan and annual update will be placed in each tenant's file.
- f) Tenants shall have a designated individual or team responsible for the coordination of services.
- g) Emphasis shall be placed on tenant empowerment and the development of natural/community supports.

C) Single Room Occupancy (SRO)

An SRO is defined as a residential property that includes multiple efficiency dwelling units. Each unit is for occupancy by a single eligible individual. The dwelling unit must contain private sanitary facilities and an appropriate food preparation area which includes sink, microwave, refrigerator, and counter for food preparation.

ATTACHMENT B: MSHDA SUPPORTIVE HOUSING SITE SELECTION GUIDELINES

The following is provided as guidance in site selection for supportive housing projects.

The application must include:

Residential Character: Sites must be appropriate for residential use. Surrounding residential property values should be stable or increasing, unless the site is part of a local community effort for improvement or rehabilitation. Areas impacted by high concentrations of very low-income housing that is deteriorating or in jeopardy of deterioration should be avoided. Areas already impacted by high concentrations of housing for people with special needs should also be avoided.

The site must offer a wide variety of social, commercial and health facilities that are similar to those found in a neighborhood of primarily unassisted housing of a similar nature. Sites should allow for a visually proud orientation of the housing to the street and neighborhood. Easy and safe ingress and egress should be available by vehicle and by foot or wheelchair. Good signage, lighting and landscaping features should be incorporated to establish a pleasing and noticeable residential presence. Surrounding uses when viewed from the site itself should be well maintained and aesthetically pleasing.

Site Utilities: Site utilities, adequate water, sewer, storm drainage, electricity, telephone, and natural gas service, should be available. Underground utility service is preferable. Parcels requiring extension of off-site utility lines may be considered.

Frontage: Sites should have frontage on a paved public street and provide good accessibility. Public improvements should be available including paved roads, sidewalks, curbs and gutters, street lighting, storm drains and fire hydrants. In situations involving private drives, shared roads, grounds or utility access, maintenance agreements must be in place for equitable sharing of the cost of mowing, plowing, maintaining and replacing shared facilities. Sites should have easy and safe ingress and egress.

Public Transportation and Community Resources: Good access should be available to public transportation and community resources such as grocery shopping, pharmacy, bank, employment, religious and education institutions as well as medical and social services and community parks or recreational activities the proposed occupants will be most likely to use. Access routes by foot, bicycle or wheelchair should be available or developed wherever possible. Where public transportation or accessible routes are not available, the proposal should include site based transportation services.

Reasonable Size and Configuration: Shape, size, soil conditions and contours of the site should allow for flexibility in building location and orientation and permit professional site planning, circulation, parking, and open space. Sites should neither be too small nor include excessive acreage. Property should generally be between .25 and 3 acres in size depending on the number of units proposed. Existing ground contours should not require excessive grade or fill to accommodate ramping (preferably without the need for handrails) and the use of wheelchairs. Space must be available for fire safety equipment, waste removal and bus or van access where applicable. The proposed development should be proportionate to current and proposed adjacent land uses. Soil conditions must be suitable to support the proposed improvements and allow for appropriate drainage.

Relocation Costs: Proposals involving federal funds for occupied sites should involve no permanent relocation. Funding for relocation cost is generally not available from MSHDA, although proposals involving temporary relocation with minimal cost may be considered on a case-by-case basis. Please consult with MSHDA staff before proposing a site involving relocation and before signing an option or offer to purchase a proposed site.

No Negative Environmental Issues – Sites should exhibit no obvious negative environmental influences, which cannot be corrected or acceptably mitigated. Environmental impacts include, but are not limited to: excessive noise or physical hazard from railroad, vehicular, or air traffic; high tension power lines or high pressure natural gas transmission lines; sanitary landfills or salvage yards; sewage treatment plants; stored hazardous materials on or near the sites; buried or spilled hazardous wastes; operating oil wells; mine shafts; gravel pits; wetland designation; and prime agricultural soils classification.

The Authority will not finance projects to be located in a 100-year flood plain unless all necessary governmental approvals are obtained and all buildings, parking areas, and pedestrian and vehicular ingress and egress will be elevated at least one foot above the flood plain elevation when the project is finished.

Other environmental factors to consider include wetlands, Great Lakes, wild and scenic rivers, prime agricultural soils, historic districts, and lead based paint. Environmental clearance procedures vary depending upon whether the proposal involves new construction or rehabilitation, the use of federal funds, and occupancy by children. Before selecting a site, please contact MSHDA supportive housing staff at 517-373-6880. See Tab D and Tab T of the Combined Application for Rental Housing, and/or refer to MSHDA's Phase I requirements at www.michigan.gov/mshda.

PBV Site Selection

In addition to the MSHDA Supportive Housing Site Selection Guidelines and definitions above, if the proposal receives a LIHTC award and will be applying for Project Based Vouchers (PBVs) the site and proposal must meet the federal program requirements of HUD regulations (Title 24 Housing and Urban Development Part 983 Project Based Voucher (PBV) Program). Below is a link to further guidance of this program:

http://www.michigan.gov/mshda/0,4641,7-141-5555_60730---,00.html.